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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,059	12/28/2001	Sohail Malik	14164	3255

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EXAMINER

TRUONG, LINH T

ART UNIT PAPER NUMBER

3761

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/035,059

Applicant(s)

MALIK, SOHAIL

Examiner

Linh Truong

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3,4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "perforated layer." There is insufficient antecedent basis for this limitation in the claim or its independent claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 5, 7-9, and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saferstein et al. (Saferstein) '4,616,644 over Sakai '4,803,078.

For claims 1-2, 5, 7-9, and 13-14, Saferstein teaches and produces a hemostatic adhesive bandage comprising of: a backing layer with an adhesive coating 12, an absorbent layer 22, a perforated, release cover 24 with a coating layer of hemostatic agent 26 (col. 3, lines 28-33 and fig. 1). Saferstein, however, does not teach an

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antimicrobial agent located in a coating layer over the release cover 24. Chitosan is well known in the art for having hemostatic and antimicrobial properties. Sakai teaches a wound dressing coated with chitin 2 (col. 1, lines 37-39). Therefore, it is obvious to one with ordinary skill in the art at the time the invention was made to provide the release cover of Saferstein with a chitosan coating for treating wounds with a hemostatic and antimicrobial agent to stop bleeding and prevent infections.

Claims 1-2, 6, 7-9, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saferstein et al. (Saferstein) '4,616,644 over Groitzsch et al. (Groitzsch) '6,448,462.

For claims 1-2, 6, 7-9, and 12, Saferstein teaches and produces a hemostatic adhesive bandage comprising of: a backing layer with an adhesive coating 12, an absorbent layer 22, a release cover 24 with a coating layer of hemostatic agent 26 (col. 3, lines 28-33 and fig. 1). Saferstein, however, does not teach an antimicrobial agent located within the absorbent layer 22. Chitosan is well known in the art for having hemostatic and antimicrobial properties. Groitzsch teaches an absorbent pad comprising of chitosan (col.4, lines 57-64). Therefore, it is obvious to one with ordinary skill in the art at the time the invention was made to provide the bandage of Saferstein with the absorbent pad of Groitzsch for treating wounds with a hemostatic and antimicrobial agent to stop bleeding and prevent infections.

Claims 1-4 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saferstein et al. (Saferstein) '4,616,644 over Greene et al. '2002/0111576.

For claims 1-4 and 8-11, Saferstein teaches and produces a hemostatic adhesive bandage comprising of: a backing layer with an adhesive coating 12, an absorbent layer 22, a release cover 24 with a coating layer of hemostatic agent 26 (col. 3, lines 28-33 and fig. 1). Saferstein, however, does not teach the wound healing agent chitosan niacinamide ascobate salt. Greene et al. teach a wound dressing having the wound healing agent chitosan niacinamide ascobate salt (pg.4 [0053]). Therefore, it is obvious to one with ordinary skill in the art at the time the invention was made to provide the bandage of Saferstein with the wound healing agent chitosan niacinamide ascobate salt of Greene et al. for treating wounds with a hemostatic and antimicrobial agent to stop bleeding and prevent infections.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh Truong whose telephone number is 703-605-4974. The examiner can normally be reached on Mondays to Fridays from 9:00am-5:30pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

Linh Truong

L.T.



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SUPERVISORY PATENT EXAMINER
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